

REMARKS/ARGUMENTS

Claims 1-21 remain pending in the Application. Claims 1, 4, 8, 11, 15, 18, and 20 are amended herein. No new matter is added as a result of the Claim amendments.

35 U.S.C. § 102 Rejections

Claims 1-21 are rejected under 35 U.S.C. § 102(e) as being anticipated by Rackson et al. (U.S. Patent No. 6,415,270), hereinafter referred to as "Rackson." The Applicants respectfully submit that Rackson does not teach or suggest the claim limitations recited in Claims 1, 8, and 15 of the present invention. For example, Claim 1 recites (emphasis added):

A method for determining an optimal bid for an item in a market, said method comprising:

- a) selecting characteristics of said market;
- b) selecting a bidding model;
- c) estimating a structure of said market, wherein unobservable variables are expressed in terms of observable bids by inverting said bidding model;
- d) determining a bid function; and
- e) determining said optimal bid.

Claims 8 and 15 recited similar claim limitations. The Applicants respectfully submit that Rackson does not teach or suggest inverting a bidding model to express unobservable variable in terms of observable bids as recited in Claims 1, 8, and 15 of the present invention. In the rejection of Claims 4, 11, and 18, column 18, lines 53-63 of Rackson are cited. The cited reference states:

This information may be statistically analyzed to determine the remote auction services that have the most activity for a class of items, such that only those remote auction services that have significant activity or have provided winning bidders are used in following auctions for similar items. The historical data may also be analyzed to determine the best time of the year, month, week or day to begin and end auctions for a particular type of item. Descriptive information included by the seller may be analyzed to determine the best descriptive text yielding the best closing bid for prior seller offering similar items for auction.

The Applicants respectfully submit that the cited reference does not teach or suggest expressing unobserved variables in terms of observable bids, or inverting a bidding model as recited in Claims 1, 8, and 15 of the present invention. Accordingly, the Applicants respectfully submit that the rejections of Claims 1, 8, and 15 under 35 U.S.C. § 102(e) are not supported by the cited reference.

Claims 2-7 depend from Claim 1 and recite additional limitations descriptive of embodiments of the present invention. Accordingly, the Applicants respectfully submit that the rejections of Claims 2-7 under 35 U.S.C. § 102(e) are not supported by the cited reference.

Claims 9-14 depend from Claim 8 and recite additional limitations descriptive of embodiments of the present invention. Accordingly, the Applicants respectfully submit that the rejections of Claims 9-14 under 35 U.S.C. § 102(e) are not supported by the cited reference.

Claims 16-21 depend from Claim 15 and recite additional limitations descriptive of embodiments of the present invention. Accordingly, the Applicants respectfully submit that the rejections of Claims 16-21 under 35 U.S.C. § 102(e) are not supported by the cited reference.

Double Patenting Rejection

Claims 1-21 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the claims of copending applications 09/902880, 09/902928, 09/903075, 09/858251. Per the terminal disclaimer filed herewith, the Applicants respectfully request withdrawal of Claim 1-21 due on the ground of nonstatutory obviousness-type double patenting.

CONCLUSION

In light of the above remarks, the Applicants respectfully request reconsideration of the rejected Claims.

Based on the arguments presented above, the Applicants respectfully assert that Claims 1-21 overcome the rejections of record and, therefore, the Applicants respectfully solicit allowance of these Claims.

The Applicants have reviewed the references cited but not relied upon. The Applicants did not find these references to show or suggest the present Claimed invention: U.S. Patent No. 6,021,398, U.S. Patent No. 6,366,891, U.S. Patent No. 6,161,099, U.S. Patent No. 6,629,082, U.S. Patent No. 6,131,087, U.S. Patent No. 5,101,353, U.S. Patent No. 7,096,197, U.S. Patent No. 6,871,190, U.S. Patent No. 6,285,989, U.S. Pub. No. 2002/0042769.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER BLECHER LLP

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John P. Wagner, Jr.  
Reg. No. 35,398  
123 Westridge Drive  
Watsonville, CA 95076 USA  
(408) 377-0500